



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
RAÚL R. LABRADOR

## NOTICE

### **To Tobacco Product Manufacturers who are not Signatories to the Master Settlement Agreement**

Idaho's Tobacco Master Settlement Agreement Complementary Act ("Complementary Act"), codified at Title 39, Chapter 84, Idaho Code, requires all tobacco product manufacturers to provide certain information to the State of Idaho. The Attorney General's Office has posted a form on its Website that all tobacco product manufacturers must utilize to certify their compliance with Idaho law. Tobacco product manufacturers must certify their compliance with Idaho law by delivering the completed form to the Attorney General on or before April 30<sup>th</sup> each year. To access this form, click on the link entitled "Idaho Non-Participating Manufacturer Certification of Compliance." The form contains instructions regarding information required of tobacco product manufacturers who are not participating manufacturers in the Master Settlement Agreement (NPMs).

The Attorney General's Office publishes a directory of tobacco product manufacturers and their respective brand families that are fully compliant with Idaho law on its Website. Licensed stamping agents have been informed and directed that **only the brand families listed on the directory may be stamped, offered for sale, possessed for sale, or sold in Idaho. To be compliant with Idaho law, a tobacco product manufacturer must annually certify its compliance for each of its brands to the Attorney General by April 30th.**

Idaho's Complementary Act also requires an NPM that is a non-resident of the state of Idaho to either (1) register to do business in the state as a foreign corporation or business entity; or (2) appoint and continually engage, without interruption, the services of an agent **located in the state of Idaho** to act as agent for service of process on whom all process may be served in a manner authorized by law. **Proof of compliance with this requirement is necessary before an NPM can be listed on the directory.**

An NPM whose Cigarettes are sold in the state of Idaho, whether directly or through any distributor, retailer, or similar intermediary, must execute and deliver an Idaho Certificate of Escrow Funding Compliance to the Office of the Attorney General. However, an Idaho Quarterly Certificate of Escrow Funding must be executed and delivered quarterly by NPMs that meet any of the following criteria: they have not previously established and funded a Qualified Escrow Fund in Idaho; they have not made any escrow deposits for more than one year; they have failed to make a timely and complete escrow deposit for any prior calendar year; they have failed to pay any judgment, including any civil penalty; or they have sold more than 1,600,000 of their Cigarettes during a quarter. Additionally, the Attorney General may require quarterly

escrow deposits from an NPM if the Attorney General has reasonable cause to believe the NPM may not make its full-required escrow deposit by April 15<sup>th</sup> of the year following the year in which the Cigarette sales were made.

An NPM that has not complied with Idaho's Tobacco Master Settlement Agreement Act (Idaho Code §§ 39-7801 et seq.) and the Complementary Act by entering into an approved escrow agreement, submitting proper escrow payments and certificates of compliance for any years in which it had sales of its brand family cigarettes in Idaho will not be listed on the directory until approved escrow agreements are established, all past escrow payments are made, proof of payment is submitted to the state, all outstanding judgments are satisfied, and all other obligations are duly met.

If you have any questions, please direct them to:

Office of the Attorney General  
Consumer Protection Division  
P.O. Box 83720  
Boise, ID 83720-0010  
Attention: Tobacco Enforcement  
[tobaccoenforcement@ag.idaho.gov](mailto:tobaccoenforcement@ag.idaho.gov)